

PATENT  
Customer No. 22,852  
Attorney Docket No. 03495-0151-02000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Sanchis et al. ) Group Art Unit: 3751  
)  
Serial No.: 09/918,485 ) Examiner: Not yet assigned  
)  
Filed: August 1, 2001 )  
)  
For: NUCLEOTIDE SEQUENCES )  
CODING FOR POLYPEPTIDES )  
ENDOWED WITH A LARVICIDAL )  
ACTIVITY TOWARD )  
LEPIDOPTERA )

**Mail Stop: PG-PUB**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR CORRECTED PATENT APPLICATION PUBLICATION UNDER**  
**37 C.F.R. § 1.221(b)**

On June 19, 2003, the U.S. Patent and Trademark Office published this application as Publication Number US 2003/0115628. The published application contains mistakes that are the fault of the Office and are, in Applicants' view, material. Attached hereto are copies of the relevant pages of the originally filed application and marked-up copies of the corresponding pages of the published application containing the mistakes.

A mistake is material when it affects the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional

rights that Applicants may seek to enforce upon issuance of a patent. See 37 C.F.R.

§ 1.221 (b). The mistakes listed below may affect the public's ability to appreciate the technical disclosure of the patent application publication or to determine the scope of the provisional rights.

First, Raymond Dedonder should be included in the list of inventors on the cover sheet of the published application. Applicants have submitted, concurrently, a Request for Corrected Filing Receipt and copy of the executed Declaration, signed by Raymond Dedonder and filed with the application, in regard to this correction.

Additionally, Applicants request that the following information be corrected in the text of the published application:

Location	Corrected	Erroneous
¶ 25, line 5, triplet 5	GGG	CCG
¶ 25, line 5, triplet 7	GGA	CGA
¶ 25, line 5, triplet 10	TCG	TCT
¶ 25, line 7, triplet 11	TGT	TCT
¶ 25, line 8, triplet 8	TGA	TCA
¶ 25, line 15, triplet 1	GGA	GCA
¶ 25, line 21, triplet 9	GGG	GCG
¶ 31, line 14, triplet 6	PRG	PRO
¶ 31, line 23, triplet 2	THR	TUR
¶ 34, numbers above line 7	181	161
¶ 34, line 9, triplet 30	TCA	TCT
¶ 34, numbers above line 10	451	431

¶ 34, numbers above line 14	811	691
¶ 34, numbers above line 15	701	901
¶ 34, line 15, triplet 23	GCC	ACC
¶ 34, numbers above line 20	1351	1381
¶ 34, numbers above line 21	1441	1447
¶ 34, numbers above line 22	1531	1571
¶ 34, line 25, triplet 13	GTT	ATT
¶ 34, numbers above line 27	1981	2981
¶ 34, line 30, triplet 1	GAG	GCA
¶ 34, line 30, triplet 3	ATT	ACT
¶ 34, line 32, triplet 1	GAA	GCA
¶ 42, numbers above line 13	991	981
¶ 42, line 15, triplet 12	TRP	TAP
¶ 42, numbers above line 22	1801	1601
¶ 42, numbers above line 24	1981	1901
¶ 42, line 26, triplet 10	ASP	RSP
¶ 130, line 9	pAMβ1	pAMB1
¶ 180, line 4	Gene 36: 289-300	Gene 3: 289-300
Table 1, line 5	JM83(pHT71)	JM83(pKT71)
Claim 3, line 3	BglII	Bg1II
Claim 9, line 6, triplet 2	TGG	TCG
Claim 9, line 7, triplet 1	AGG	ACC
Claim 9, line 8, triplet 10	CGG	CCG

Claim 9, line 9, triplet 5	GTT	CTT
Claim 9, line 10, triplet 8	GGA	CGA
Claim 9, line 10, triplet 10	GTT	CTT
Claim 9, line 10, triplet 11	GGC	CGC
Claim 9, line 10, triplet 17	GCA	CCA
Claim 9, line 12, triplet 20	GAA	CAA
Claim 9, line 14, triplet 1	GGG	CGC
Claim 9, line 15, triplet 6	GCG	GCC
Claim 9, line 15, triplet 7	GCC	CCC
Claim 9, line 16, triplet 6	TTG	TTC
Claim 9, line 17, triplet 8	CAC	GAC
Claim 9, line 17, triplet 10	GCA	CCA
Claim 9, line 22, triplet 10	AAG	CAG
Claim 9, line 22, triplet 24	GGA	GAA
Claim 9, line 23, triplet 11	AAT	AGT
Claim 9, line 29, triplet 16	TCG	GCT
Claim 9, line 33, triplet 23	AAT	GAT
Claim 9, numbers above line 39	1531	1521
Claim 9, line 43, triplet 12	GAG	TAG
Claim 9, numbers above line 44	1981	1901
Claim 9, line 45, triplet 1	GAA	GAG
Claim 9, line 47, triplet 1	GGA	GAA
Claim 9, line 48, triplet 1	AAT	GAT

Claim 9, line 48, triplet 18	GGA	GCA
Claim 9, line 51, triplet 20	GCG	CGC
Claim 9, line 55, triplet 1	TAT	TCT
Claim 14, line 19, triplet 9	CYS	LYS
Claim 14, line 23, triplet 6	PHE	PHL
Claim 14, numbering above line 29	1081	1061
Claim 14, numbering above line 34	1531	1521
Claim 14, numbering above line 39	1981	1901
Claim 14, numbering above line 42	2231	2251
Claim 21, line 3	Lepidotera	Lepidotora
Claim 226, line 3	HindIII-HincII	hindIII-HincII

These mistakes are clearly material as they impede the public's ability to appreciate the technical disclosure of the patent application publication. For at least this reason, the mistakes should be corrected.

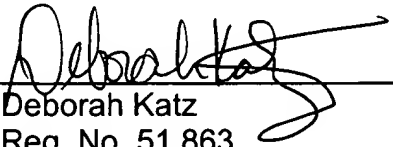
Applicants request that the Office correct the above-identified mistakes in the published application, which are the fault of the Office. Further, Applicants request that the Office forward to Applicants a copy of the corrected published application or at least a notification of the occurrence or predicted occurrence of the corrected publication once it has been corrected.

Applicants believe that no Petition or fee is due in connection with this Request; however, if any Petition or fee is due, please grant the Petition and charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: August 7, 2003

By:   
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LAW OFFICES

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& DUNNER, L.L.P.  
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WASHINGTON, DC 20005  
202-408-4000

Application Serial No.: 09/918,485

Inventors: Sanchis et al.

Filed August 1, 2001

For: NUCLEOTIDE SEQUENCES CODING FOR POLYPEPTIDES ENDOWED WITH A  
LARVICIDAL ACTIVITY TOWARD LEPIDOPTERA

Attorney Docket No.: 03495-0151-02

## **Marked-up Pages of Published Application**



PATENT

Customer No. 22,852

Attorney Docket No. 03495-0151-02000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Sanchis et al. ) Group Art Unit: 3751  
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Serial No.: 09/918,485 ) Examiner: Not yet assigned  
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CODING FOR POLYPEPTIDES )  
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ACTIVITY TOWARD )  
LEPIDOPTERA )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SECOND REQUEST FOR CORRECTED FILING RECEIPT**

We are forwarding herewith a copy of a Filing Receipt for the above-identified patent application. The error is in the omission of the name of Raymond Dedonder of Chatenay Malabry (FR) as an inventor. This error is shown in red ink on the attached copy. Additionally, a copy of the Declaration executed by Raymond Dedonder is also enclosed.

It is respectfully requested that a corrected Filing Receipt be issued as soon as possible, and that the cover page of any patent issuing from this application include Raymond Dedonder in the list of inventors.

LAW OFFICES

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Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: August 7, 2003

By: \_\_\_\_\_

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SHG/LAM/DVK  
03495-0151-02

Commissioner for Patents  
Washington, DC 20231  
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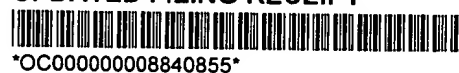
APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/918,485	08/01/2001	3751	1088	03495.0151-02000	5	19	3

22852

FINNEGAN, HENDERSON, FARABOW, GARRETT &  
DUNNER LLP  
1300 I STREET, NW  
WASHINGTON, DC 20006

CONFIRMATION NO. 4802

UPDATED FILING RECEIPT



\*OC000000008840855\*

Date Mailed: 09/24/2002

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Sanchis Vincent, Cambridge, UNITED KINGDOM;  
Lereclus Didier, Paris, FRANCE;  
Menou Ghislaine, Paris, FRANCE;  
Lecadet Marguerite-Marie, Paris, FRANCE;  
Martouret Daniel, Saint-Cyr L'Ecole, FRANCE;  
~~Declander, Raymond, Chateaufort, FRANCE~~

**RECEIVED**  
SEP 27 2002

FINNEGAN, HENDERSON, FARABOW,  
GARRETT AND DUNNER, LLP

**Assignment For Published Patent Application**

Institut Pasteur and Institute National de la Recherche Agronomic;

**Domestic Priority data as claimed by applicant**

This application is a DIV of 09/037,621 03/10/1998 PAT 6,310,035  
which is a DIV of 08/461,551 06/05/1995 PAT 5,792,928  
which is a DIV of 08/251,652 05/31/1994 ABN  
which is a CON of 08/094,382 07/21/1993 ABN  
which is a CON of 07/458,754 12/11/1989 ABN

**Foreign Applications**

EUROPEAN PATENT OFFICE (EPO) 87 08090 06/10/1987  
FRANCE 88 401 121.4 05/06/1988

If Required, Foreign Filing License Granted 09/05/2001

Projected Publication Date: 01/02/2003

VAS 9/27/02 mkl/klr 09 27-0

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Nucleotide sequences coding for polypeptides endowed with a larvicidal activity towards lepidoptera

**Preliminary Class**

222

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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Bib Data Sheet

CONFIRMATION NO. 4802

SERIAL NUMBER	FILING OR 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
09/918,485	08/01/2001	435	1653	03495.0151-02000
RULE				

## APPLICANTS

Sanchis Vincent, Cambridge, UNITED KINGDOM;  
Lereclus Didier, Paris, FRANCE;  
Menou Ghislaine, Paris, FRANCE;  
Lecadet Marguerite-Marie, Paris, FRANCE;  
Martouret Daniel, Saint-Cyr L'Ecole, FRANCE;  
Raymond Dedonder, Chatenay Malabry, FRANCE;

## \*\* CONTINUING DATA \*\*\*\*\*

This application is a DIV of 09/037,621 03/10/1998 PAT 6,310,035  
which is a DIV of 08/461,551 06/05/1995 PAT 5,792,928  
which is a DIV of 08/251,652 05/31/1994 ABN  
which is a CON of 08/094,382 07/21/1993 ABN  
which is a CON of 07/458,754 12/11/1989 ABN

## \*\* FOREIGN APPLICATIONS \*\*\*\*\*

EUROPEAN PATENT OFFICE (EPO) 87 08090 06/10/1987  
FRANCE 88 401 121.4 05/06/1988

## IF REQUIRED, FOREIGN FILING LICENSE GRANTED

\*\* 09/05/2001

Foreign Priority claimed	<input type="checkbox"/> yes <input type="checkbox"/> no	STATE OR COUNTRY UNITED KINGDOM	SHEETS DRAWING 5	TOTAL CLAIMS 19	INDEPENDENT CLAIMS 3
35 USC 119 (a-d) conditions met	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance				
Verified and Acknowledged	Examiner's Signature	Initials			

## ADDRESS

22852

## TITLE

Nucleotide sequences coding for polypeptides endowed with a larvicidal activity towards lepidoptera

FILING FEE  
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1088

FEES: Authority has been given in Paper  
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No. \_\_\_\_\_ for following:

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| <input type="checkbox"/> All Fees                                 |
| <input type="checkbox"/> 1.16 Fees ( Filing )                     |
| <input type="checkbox"/> 1.17 Fees ( Processing Ext. of<br>time ) |
| <input type="checkbox"/> 1.18 Fees ( Issue )                      |
| <input type="checkbox"/> Other _____                              |
| <input type="checkbox"/> Credit                                   |

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